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52
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,133	06/25/2001	Frank Brooks	09752-150001	1956

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 03/15/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,133

Applicant(s)

BROOKS, FRANK

Examiner

Jean A Gelin

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoirup et al (US 6,397,054).

Regarding claims 1, 7, Hoirup teaches a method of managing an emergency call (col. 4, line 58 to col. 5, line 19) comprising: capturing the emergency call (col. 5, lines 30-44); determining whether messaging is desired (col. 5, lines 38-53); and communicating with a caller using a messaging system when voice communications are not desirable (col. 5, line 20 to col. 6, line 9).

Regarding claim 2, Hoirup teaches determining the nature of the emergency by decoding dialed numbers (i.e., inherently performed at the operator unit to dispatch proper aid at the right location, col. 5, line 45 to col. 6, line 8).

Regarding claim 3, Hoirup teaches transmitting questions to the caller using the messaging system (i.e., given that the caller is in communication with the emergency operator col. 5, lines 49-51, operator can ask question).

Art Unit: 2681

Regarding claim 4, Hoirup teaches transmitting controls to a handset, thereby causing the handset to ring (i.e., typical way to alert operator/user of incoming call).

Regarding claim 8, Hoirup teaches wherein the emergency dispatcher controls release of the emergency call (col. 5, lines 20-61).

Regarding claim 9, Hoirup teaches wherein the messaging system uses the short messaging service (col. 5, lines 20-44).

Regarding claim 10, Hoirup teaches wherein the messaging system uses the DTMF messages (col. 4, line 65 to col. 5, line 19).

Regarding claim 11, Hoirup teaches wherein the remote caller appends a code to an emergency number to identify the nature of the emergency (i.e., sending a specific data for emergency, col. 3, lines 1-9).

Regarding claim 12, Hoirup teaches wherein remote caller responds to the messages using a telephone keypad (i.e., typical cellular phone, col. 5, line 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Lowell et al. (US 6,292,687).

Art Unit: 2681

Regarding claim 5, Hoirup does not specifically teach displaying questions to the caller based on the content of the transmitted messages.

However, the preceding limitation is known in the art of communications. Lowell teaches that an automatic external defibrillator (AED) is used by an emergency response person to help a victim; the emergency response person can use the AED, which is a portable display, to communicate with professional emergency support and answer questions about the situation of the victim (col. 8, line 45 to col. 9, line 12). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Lowell within the system of Hoirup in order that professional emergency support provides adequate instructions to the emergency response person to take care of the victim.

Regarding claim 6, Hoirup in view of Lowell teaches all the limitations above. Hoirup further teaches converting the messages to graphical characters (i.e., map display, col. 9, lines 1-12).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seaborn Jr. (US 3,723,876) teaches emergency distress signaling system.

Bertolet (US 5,694,452) teaches emergency telecommunication device.

Villeveille (US 5,953,650) teaches initiate an emergency telephone call from the mobile device, in response to the request for an emergency call.

Art Unit: 2681

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PATENT EXAMINER

JGelin
Monday, March 08, 2004

Jean Allard Gelin